

**Notice of Allowability**

Application No.

09/577,694

Examiner

Sow-Fun Hon

Applicant(s)

SORENSEN ET AL.

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1794

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the supplemental amendment filed 10/09/07.
2. ☒ The allowed claim(s) is/are 63,67-74,77,80-85.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input checked="" type="checkbox"/> Other <u>See Continuation Sheet</u> .          |

Continuation of Attachment(s) 9. Other: The drawings filed 05/22/00 (clean copies without the PTO's staple holes are found in the scanned document labelled LET. also dated 05/22/00) are accepted by the examiner.

### **REASONS FOR ALLOWANCE**

1. The following is an examiner's statement of reasons for allowance.

The closest cited prior art of record US 4,664,275, fails to fairly teach or suggest, even in view of US 4,444,330, a stopper which has a hardness of 65 to 75 Shore A, comprising an injection-mouldable material, a) comprising a blend of a butyl based rubber present in an amount of 70 to 90% by weight, a polyolefin present in an amount of 30 to 10% by weight, and a combination of fillers and additives present in an amount of 11% by weight or less, wherein the combination of fillers and additives comprises 10% by weight or less of fillers, and 1% by weight or less of additives, or b) consisting essentially of a blend of butyl based rubber present in an amount of 70 to 90% by weight, a polyolefin, and optionally a combination of fillers and additives present in an amount of 11% by weight or less, wherein the additives are optionally present in an amount not exceeding 1% by weight, and fillers are optionally present in an amount less than 10% by weight, and wherein the balance of the material is polyolefin; wherein the combination of the butyl based rubber and the polyolefin in the stopper results in a reduced leakage of substances into the stoppered solution compared to a stopper made from butyl based rubber alone.

None of the references teach the specific composition combined with a Shore A Hardness of 65 to 75. Furthermore, Applicant has demonstrated a showing of unexpected results regarding the specific composition combined with a Shore A Hardness in the range of 65 to 75, wherein the stopper provides a reduced leakage of substances into the stoppered solution (Specification, page 9, lines 6-15, Determination

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of the leakage property, pages 14-15), and yet shows no significant difference in water or m-cresol loss from the stoppered solution (Specification, page 14, lines 1-9).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached at (571)272-3186. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*S. Hon*

Sow-Fun Hon

*10/09/07*

*Rena Dye*

RENA DYE  
SUPERVISORY PATENT EXAMINER

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